



Uruguay

Country Reports on Human Rights Practices - [2000](#)

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Uruguay is a constitutional republic with an elected president and a bicameral legislature. In November 1999, voters elected Senator Jorge Batlle of the Colorado party President, and he assumed office on March 1. In legislative elections in October 1999, the left-of-center Broad Front coalition won approximately 40 percent of the vote in a four-party race, thus constituting the largest congressional bloc. The two traditional parties, the Colorados and the Blancos, which collaborate in a coalition-style arrangement, together control over half of the seats in the legislature. The judiciary is independent.

The Interior Ministry administers the country's police departments and the prison system and is responsible for domestic security and public safety. The military is responsible for external security within the prison system. The civilian authorities exercise effective control over the security forces. The police at times committed human rights abuses.

The economy is a mixture of private and state enterprises and is heavily dependent on agricultural exports and agroindustry. The leading exports are meat, leather, and rice. The Government respects private property rights. The unemployment rate was estimated at 14.4 percent in November. The economy shrank by between 0.5 and 1 percent during the year, following a decline of 3.2 percent in 1999. Annual per capita income was about \$6,348 in 1999.

The Government generally respected the human rights of its citizens, and the law and judiciary generally provide effective means of dealing with individual instances of abuse. However, there were problems in some areas, principally instances of police abuse and mistreatment of detainees, poor prison conditions, and delays in the justice system. Court cases sometimes last for many years, resulting in lengthy pretrial detention. In August the President created a Peace Commission to clarify what happened to about 160 persons who disappeared for political reasons during the 1973-85 military dictatorship. Violence against women and societal discrimination against women and the black minority are problems. In September the police arrested the leader of a small neo-Nazi group.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

The 1986 Amnesty Law prohibits criminal prosecution of members of the security forces who perpetrated extrajudicial killings, torture, and other abuses during the 12 years of military rule in 1973-85. However, some victims and relatives of victims had success using the civilian courts to seek redress.

In the case initiated in 1999 by the widow of a criminal suspect who in 1998 died under suspicious circumstances while in police custody, the court dismissed charges against the principal suspect. Although an appellate court ordered the trial court to investigate the causes of the criminal suspect's death, the judge and prosecutor shelved the investigation.

The decision of the Supreme Court of Justice was pending in the case of 12 former political prisoners and their families who sued the Government for damages suffered as a result of their imprisonment, torture, and in three cases death in custody during the military dictatorship. Although in 1998 a trial-level court ordered the Government to pay each plaintiff approximately \$93,600 (1.17 million pesos) in damages, an appellate-level court later reduced this award to approximately \$16,850 (210,600 pesos) per person for 11 of the cases and \$23,640 (295,500 pesos) for the other case. The plaintiffs have appealed the appellate court's decision to the Supreme Court of Justice.

b. Disappearance

There were no reports of politically motivated disappearances.

Although the 1986 Amnesty Law required the Government to investigate the fate of those citizens who were detained and who then disappeared during the dictatorship, the first three administrations following the return to democracy consistently refused to do so. During the year, the new Government for the first time undertook such an effort.

On August 9, President Batlle created a Peace Commission in order to clarify the fate of the approximately 160 Uruguayans believed to have disappeared for political reasons during the dictatorship (115 in Argentina, 36 in Uruguay, 6 in Chile, and 2 in Paraguay). The Commission was charged with receiving and analyzing information relevant to the disappeared persons. It is to prepare individual summaries of its conclusions as to the fate of each person and to recommend legal measures that the Government should adopt to compensate the families of the victims and resolve the victims' legal status, such as by declaring them legally dead. The Commission consists of six members appointed by the President and operates under the supervision of the office of the President. One retired military officer told the press that "hundreds" of current and retired officers serving during the period of military rule had adopted a pact of silence with regard to the disappearances. Although the Commission was created for an initial mandate of 120 days, in early December its mandate was extended for an additional 4-month period.

Shortly after taking office, President Batlle personally intervened to resolve one of the most high-profile cases of a disappeared person, that of the granddaughter of Argentine poet Juan Gelman. By combining information provided by Gelman with information obtained from other sources, Batlle succeeded in locating the young woman, who had been born in captivity in Uruguay to Gelman's daughter-in-law and adopted by an Uruguayan family after her mother died in prison.

Since the 1986 Amnesty Law precludes criminal actions against suspected participants in human rights violations during military rule, some persons have sought justice in non-Uruguayan courts. In March 1999, Sara Mendez filed papers in an Argentine court formally accusing five present and former members of the Uruguayan military with the 1976 kidnaping of her infant from her Buenos Aires home. The case remained pending in Argentine courts and, during the course of the year, Mendez gave testimony on several occasions. A DNA sample taken in May from a young man believed possibly to have been Mendez' kidnaped son indicated that he was not related to Mendez. An Italian prosecutor continued to investigate charges brought in an Italian court in 1999 against four present and former members of the military and one police officer accused of responsibility in the disappearance of eight Italian-Uruguayan dual nationals.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits brutal treatment of prisoners, but the police continued at times to commit abuses. On occasion such abuse resulted in forced confessions (see Section 1.d.).

The judicial and parliamentary branches of government are responsible for investigating specific allegations of abuse. An internal police investigative unit receives complaints from any person concerning possible noncriminal police abuse of power, but it is understaffed and only can issue recommendations for disciplinary action. While the courts seldom convicted and punished law enforcement officials for such abuse in the past, such prosecutions were occurring more frequently. In the first 5 months of the year, the authorities prosecuted approximately 40 police officers for a variety of crimes, typically involving corruption, excessive use of force, or theft of suspects' property. They brought homicide charges against one officer, who shot and killed a neighbor who had a dispute with the officer's brother-in-law.

Police officers charged with less serious crimes may continue on active duty; those charged with more serious crimes are separated from active service until a court resolves their cases. A 1999 Ministry of Interior study reported that courts had investigated or convicted 179 police officers, and that 117 of these cases were linked directly to the exercise of their jobs. The 1995 Public Security Law requires a proportional use of force by the

police and the use of weapons only as a last resort, in accordance with U.N. codes regarding the use of force.

Some torture victims and relatives of victims continued to use the courts to seek redress for their grievances. A group of 12 former political prisoners (and their survivors) appealed the decision of an appellate court to reduce the award made by a trial court for the damages that they suffered due to their imprisonment and torture (see Section 1.a.).

Conditions in prisons for the approximately 4,450 prisoners remain poor but not life threatening. A 1997 legislative human rights commission report criticized the "excessive use of force and abuse of authority" by prison guards and officials, and stated that sanitation and health standards in the prison system were "unacceptable." This report reflected the work of a previous commission that in 1996 published a report to the Government citing overcrowding, lack of staff training, corruption, and physical violence as problems. Prisoners often find that they must supplement prison provisions with bedding, medicines, and toiletries brought by friends or relatives. According to press reports and a study conducted by SERPAJ, a nongovernmental organization (NGO), HIV-positive inmates sometimes received inadequate medical treatment. There were several incidents of prisoner unrest during the year, including at least one hunger strike in which several hundred prisoners demanded better prison conditions, but none were as serious as the incidents of unrest that occurred in 1999.

Female prisoners are held in separate facilities from male prisoners; most are held in a women's prison in Montevideo. Some provincial prisons have separate facilities for their small number of female prisoners. In general conditions for female prisoners are significantly better than for male prisoners, in large part because of the small number of female inmates.

Minors are held in institutions operated by the National Institute for Minors (INAME). The most controversial aspect of the 1995 Public Security Law would allow the Government to put minors with a record of violent crimes in adult prisons if INAME has no room in its own institutions. Even though the law stipulates that minors would occupy separate facilities within the prisons, human rights groups adamantly opposed this provision. As a result, INAME has decided that it will not send minors to adult prisons. Juvenile offenders are separated according to their gender, age, and the severity of their crime. Those juveniles who commit serious crimes are incarcerated in juvenile detention centers, which resemble traditional jails and have cells. Conditions in these facilities are generally better than those in ordinary jails, in part because they are less crowded. Juvenile offenders who pose less of a threat to society are placed in halfway house facilities, oriented toward rehabilitation, in which a group of offenders lives together with adult counselors. These facilities provide educational, vocational, and other opportunities, and the juvenile offenders are able to enter and leave without restriction.

The Government permits prison visits by human rights monitors, although prisoner unrest, as well as the requirement to route all such requests through the Ministry of Interior, at times caused delays.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires the police to have a written warrant issued by a judge before making an arrest, and the authorities generally respect this provision in practice. The only exception is when the police apprehend the accused during commission of a crime. The Constitution also provides the accused with the right to a judicial determination of the legality of detention and requires that the detaining authority explain the legal grounds for the detention. In June the President signed a new law that obligates police officers to inform individuals of the reason for their arrest. Police may hold a detainee incommunicado for 24 hours before presenting the case to a judge, at which time the detainee has the right to counsel. It is during this 24-hour period that police sometimes abuse prisoners, occasionally resulting in forced confessions (see Section 1.c.).

A 1980 law stipulates that police confessions obtained before a prisoner appears before a judge and attorney (without the police present) have no validity. Further, should a prisoner claim that he has been mistreated, by law the judge must investigate the charge.

If the detainee cannot afford a lawyer, the courts appoint a public defender. If the crime carries a penalty of at least 2 years in prison, the accused person is confined during the judge's investigation of the charges unless the authorities agree to release the person on bail (which seldom happens). As a result, as of mid-year approximately 73 percent of all persons incarcerated were awaiting a final decision in their case (compared with 68 percent in mid-1999). However, this proportion used to be 90 percent; declines in recent years are due to the Government's efforts to improve the functioning of the criminal justice system. Because of the slowness of the judicial process, the length of time prisoners spend in jail before the judge issues a verdict may exceed the maximum sentence for their crime. The uncertainty as to how long one will be imprisoned is a factor creating tension within the country's prisons.

The Government does not use forced exile as a means of punishment.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The Supreme Court heads the judiciary system and supervises the work of the lower courts. A parallel military court system operates under a Military Justice Code. Two military justices sit on the Supreme Court but participate only in cases involving the military. Military justice applies to civilians only during a state of war or insurrection.

Trial proceedings usually are based on written arguments to the judge, which are not made public routinely. Only the prosecutor and defense attorney have access to all documents that form part of the written record. The courts introduced oral argument in 1990, but individual judges use it at their option. Most judges choose to retain the written method, a major factor slowing the judicial process. There is no legal provision against self-incrimination, and judges may compel defendants to answer any question they pose. Either the defense attorney or the prosecutor may appeal convictions to a higher court, which may acquit the person of the crime, confirm the conviction, or reduce or increase the sentence.

A 1997 law to reform and modernize the Criminal Code provides for more oral argument by prosecution and defense attorneys, less investigative responsibility for judges, and is expected to accelerate the pace of criminal trials. Although the law was to take effect in 1998, budget constraints have resulted in repeated postponement of its implementation, and it is not scheduled for implementation until 2004.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, but the authorities may abridge these rights if persons are deemed to be inciting violence or "insulting the nation."

All elements of the political spectrum freely express their viewpoints in both print and broadcast media.

Montevideo has 5 daily newspapers and 9 important weeklies; there are also approximately 80 other weekly and a few daily newspapers throughout the country. Montevideo has one government-affiliated and three commercial television stations. There are about 150 radio stations, 25 television stations, and 250 cable television stations in the country.

A 1989 law stipulates that expression and communication of thoughts and opinions are free, within the limits contained in the Constitution, and it outlines methods of responding to "inexact or aggravating information." The law calls for 3 months' to 2 years' imprisonment for "knowingly divulging false news that causes a grave disturbance to the public peace or a grave prejudice to economic interests of the State" or for "insulting the nation, the State, or their powers." The authorities use this law intermittently to set and enforce certain limits on freedom of the press.

Human rights activists and journalists have alleged that state enterprises such as the telephone and electric companies on occasion have withheld advertising from independent media that are critical of the Government and have favored media friendly to the Government with extensive paid advertising.

In February Nery Colombo, a former local official seeking reelection, shot and killed journalist and radio station owner Julio Cesar da Rosa, after the latter suggested in a broadcast that the former was unfit to run for public office. Colombo committed suicide immediately after the killing. On the night of May 2, unknown assailants shot at journalist and political activist Julio Cesar Sanchez Padilla while he was driving his car. Sanchez was not injured, and the authorities were unable to identify the perpetrators of, or a motive for, the attack.

In August the press association criticized the newspaper distributors' union for a 1-day refusal to distribute one newspaper (see Section 6.a.).

The national university is autonomous, and the authorities respect academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice.

In May, as in prior years, thousands of persons marched in memory of the persons who disappeared during the rule of the dictatorship.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice.

The Government grants refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government grants asylum only for political crimes as set forth in the 1928 Treaty of Havana, the 1889 Treaty of Montevideo, and the 1954 Caracas Convention. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government grants first asylum in cases in which a refugee's claims are verified by the UNHCR. The Government works actively with international organizations in the provision of temporary protection to refugees from Colombia.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country is a multiparty democracy with mandatory voting for those 18 years of age or older, and there are no suffrage restrictions regarding race, sex, religion, or economic status. The Colorado party, the National (Blanco) party, the Broad Front coalition, and the New Space party are the four major political groupings.

Women and minorities are underrepresented in politics and government. None of the 13 cabinet ministers are women, and only 3 of 30 senators and 13 of 99 deputies are women. There are no female justices on the Supreme Court. There has never been a black parliamentarian or cabinet-level official except in July when, for the first time, an Afro-Uruguayan elected as an alternate deputy substituted in legislative sessions for an absent deputy for approximately 10 days.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

In August the President created a Peace Commission to clarify what happened to the persons who disappeared for political reasons during the 1973-85 military dictatorship (see Section 1.b.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and the law prohibit discrimination based on race, sex, religion, or disability. Despite these provisions, discrimination against some groups exists.

Women

Violence against women continues to be a serious problem. A 1999 Ministry of Public Health study projected that within 5 years, domestic violence would constitute the second most prevalent threat to public health, after traffic accidents. In a 1997 poll of 545 urban and suburban households, 47 percent of respondents reported physical or psychological abuse from their partners, with 23 percent reporting severe abuse. The law provides for sentences of 6 months to 2 years in prison for a person found guilty of committing an act of violence or of making continuing threats to cause bodily injury to persons related emotionally or legally to the perpetrator. The Montevideo city hall's hot line for victims of domestic violence received about 4,500 complaints during the year, compared with 5,975 complaints in 1999. Persons calling the hot line are provided counseling, free legal advice, and may be referred to NGO's that can provide further social services. A new law signed in June increased sentences for rape and certain other sexually related crimes. The Criminal Code covers spousal abuse and spousal rape, although criminal charges rarely are initiated for those crimes. Similarly, although the law prohibits sexual harassment in the workplace, few complaints are ever filed under this provision.

The Government has established an office of assistance for victims of domestic violence that trains police how to resolve complaints of violence against women. A directorate within the Ministry of Interior instituted a public awareness campaign about domestic violence and founded community assistance centers where abuse victims receive information and referrals to government and private organizations in their area that aid abused women. Both the Ministry of Interior and NGO's operate shelters in which abused women and their families can seek temporary refuge.

Women enjoy equality under the law but face discrimination stemming from traditional attitudes and practices. The work force exhibits segregation by gender. Women, who make up almost one-half the work force, tend to be concentrated in lower paying jobs. Women's salaries average two-thirds those of men, a figure that reflects gradual improvement in recent years with respect to pay equity. In 1999 about 60 percent of the students at the public university were women. Women often pursue professional careers but are underrepresented in traditionally male-dominated professions. In 1997 the Government approved regulations to implement a 1989 law for equality in the workplace that had previously gone unenforced, and it formed a national commission for workplace equality that includes representatives from the Ministry of Labor, the Ministry of Education and Culture, chambers of commerce, and the umbrella labor organization. However, there never have been any cases brought under the new regulations. There were 13 female cadets enrolled in the Air Force Academy's 75-member student body, representing nearly a doubling of the female enrollment since 1999. Four female cadets are expected to receive commissions as pilots or navigators in the air force during the year. The Army Military Academy has 27 female cadets, out of a total enrollment of approximately 225. The Naval Academy admitted its first female cadet during the year.

A small institute in the Ministry of Education coordinates government programs for women. There are a number of active women's rights groups, and many of their activities remained centered on followup to the platform of action of the 1995 U.N. Conference on Women.

Children

The Government generally is committed to protecting children's rights and welfare, and it regards the education and health of children as a top priority. An institute in the Ministry of Interior oversees implementation of the Government's programs for children but receives only limited funding for programs. An estimated 40 percent of children under the age of 5 live in the poorest 20 percent of homes. The Government is attempting to extend proper health care and education to them with the help of UNICEF. The Government provides free, compulsory primary and secondary education, and 95 percent of children complete their primary education. Girls and boys are treated similarly. Free education is available through the undergraduate level at the national university.

There is no societal pattern of abuse of children. Minors under the age of 18 are not subject to criminal trial but receive special treatment with special judges and, when sentenced, stay in institutions run by the National Institute for Minors for the period determined by the judge. The INAME-run institutions emphasize the rehabilitation of minors. INAME maintains an extensive network of programs, including shelters for at-risk children. INAME also operates a confidential hot line for children who are victims of domestic abuse.

A draft Code of the Child, intended to bring the law into compliance with the provisions of the U.N. Convention on the Rights of the Child, was introduced into the new legislative session during the year. The previous legislative session ended before a prior version of the bill could be enacted into law.

People with Disabilities

A national disabilities commission oversees implementation of a 1989 law on the rights of the disabled. Although the law mandates accessibility for disabled persons only to new buildings or public services, the

Government is providing access to a number of existing buildings. The law reserves 4 percent of public sector jobs for the disabled. There is no governmental discrimination against disabled persons in employment, education, or in the provision of other state services. The country has a generally excellent mental health system and an interest in the rights of persons with mental disabilities.

National/Racial/Ethnic Minorities

The country's black minority, estimated at 5.9 percent of the population, continues to face societal discrimination. A government study conducted in 1996-97 found that the unemployment rate for blacks was 1.5 times the rate for whites. The National Institute of Statistics found that blacks earn an average of 20 percent less than whites who perform the same job. According to a recent study published by Mundo Afro (an NGO), the illiteracy rate among black women is twice the national average, and the percentage of black women who have pursued higher education is one-third the rate in the population at large. According to the same study, one-half of Afro-Uruguayan women work as household domestics. Blacks are practically unrepresented in the bureaucratic and academic sectors.

Religious Minorities

Isolated neo-Nazi elements have carried out occasional, limited attacks and activities since 1997. Law enforcement authorities have responded vigorously to such activities. In August 1999, an intensive police investigation resulted in the arrest of eight members of a very small neo-Nazi group suspected of creating racist and anti-Semitic Internet websites. The authorities charged five of the suspects with subversive association; two also were charged with inciting hate or violence towards a particular group. Pending the court's final decision in the case, the defendants were released after serving approximately 3 months of imprisonment, the minimum statutory penalty for first offenders in cases of this nature. In September the police arrested and charged with inciting racial hatred the leader of another small neo-Nazi group believed responsible for pro-Nazi propagandizing.

Section 6 Worker Rights

a. The Right of Association

The Constitution states that laws should promote the organization of trade unions and the creation of arbitration bodies; however, there is almost no legislation concerning union activities. Unions traditionally organize and operate free of government regulation. Civil servants, employees of state-run enterprises, and private enterprise workers may join unions. An estimated 15 percent of the work force is unionized. Labor unions are independent of political party control but traditionally have associated more closely with the Broad Front, the leftist political coalition.

The Constitution provides workers with the right to strike, and there were numerous strikes during the year. The Government may legally compel workers to work during a strike if they perform an essential service which, if interrupted, "could cause a grave prejudice or risk, provoking suffering to part or all of the society." In June the umbrella labor confederation PIT/CNT organized a 1-day general strike. In December the PIT/CNT organized a second 1-day general strike to protest the Government's 5-year austerity budget proposal.

In August after the newspaper El Pais printed a story reporting on high costs charged by the newspaper distributors' union, the union refused to distribute El Pais for 1 day in protest. The union asserted that it was being blamed for the demise of newspapers, while the press association called the protest an assault on freedom of the press.

There are mechanisms for resolving workers' complaints against employers, but unions complained that these mechanisms sometimes were applied arbitrarily. The law generally prohibits discriminatory acts by employers, including arbitrary dismissals for union activity. Unions maintain that organizers are dismissed for fabricated reasons, thus allowing employers to avoid penalty under the law.

There are no restrictions on the right of unions to form confederations or to affiliate with international trade union groups; however, the one national confederation has chosen not to affiliate officially with any of the world federations. Some individual unions are affiliated with international trade secretariats.

b. The Right to Organize and Bargain Collectively

Collective bargaining between companies and their unions determines a number of private sector salaries. The

executive branch, acting independently, determines public sector salaries. There are no laws prohibiting antiunion discrimination, but a 1993 executive decree established fines for employers engaging in antiunion activities. The law does not require employers to reinstate workers fired for union activities. However, in cases of legal challenges by union activists, courts tend to impose indemnization levels that are higher than those normally paid to dismissed workers.

Union members continued to file claims of discrimination with the Ministry of Labor, which has a labor commission that investigates all claims. In 1999 there were 16 claims of antiunion discrimination submitted to the Ministry of Labor. (The Ministry's mediation service received a total of 353 labor-related complaints that year, of which it successfully mediated 307 cases and failed to resolve 31 cases; 15 remained open at the end of that year. Nearly half of all complaints related to workers' wages.) While there was no specific information on the antiunion discrimination complaints, most were resolved through rehiring the employee with full rights or compensation of the employee (without being rehired). Most complaints are resolved within a few months, but a few cases remained unresolved at year's end. Labor unions have complained that some businesses have encouraged formation of worker cooperatives, which serve to reduce their labor costs. Although such cooperatives do not necessarily affect workers' social insurance and other public benefits, they can reduce workers' job security and result in a loss of seniority. They also weaken the power of trade unions and of collective bargaining.

All labor legislation fully covers workers employed in special export zones. There are no unions in any of these zones, but the few workers in these zones are not in traditionally organizable occupations.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and it is not known to occur. The law prohibits forced or bonded labor by children, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment

The Child Labor Code protects children; the Ministry of Labor and Social Security is responsible for enforcing the law. Some children work as street vendors in the expanding informal sector or in the agrarian sector, which generally are regulated less strictly and where pay is lower; however, illegal child labor is not a major problem. By law minors under the age of 14 may not be granted permission to work, and this is enforced in practice. Minors between the ages of 14 and 15 are granted permission to work only in extremely rare circumstances and even then usually only to work with other members of their families. Minors between the ages of 15 and 18 require government permission to work, and such permission is not granted for dangerous, fatiguing, or night work.

Permission to work is only granted to minors who have completed 9 years of compulsory education or who remain enrolled in school and are working toward completing the period of compulsory education. A total of 95 percent of children complete primary school education, which is free and compulsory. Controls over salaries and hours for children are more strict than those for adults. Children over the age of 16 may sue in court for payment of wages, and children have the legal right to dispose of their own income. In conjunction with an NGO, in March INAME began a pilot program to pay families \$83 (1,000 pesos) per month to parents who take their children off the streets and send them to school. This amount approximates what a child might earn working on the street. On December 8, the Government created a National Committee for the Eradication of Child Labor, which is to create a national action plan to combat it.

The law prohibits forced or bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The Ministry of Labor effectively enforces a legislated minimum monthly wage which is in effect in both the public and private sectors. The Ministry adjusts the minimum wage whenever it adjusts public sector wages. The minimum wage, which was set in January at about \$86 (1,060 pesos) per month, functions more as an index for calculating wage rates than as a true measure of minimum subsistence levels, and it would not provide a decent standard of living for a worker and family. The vast majority of workers earn more than the minimum wage.

The standard workweek is 48 hours in industry and 44 hours in commerce, with a 36-hour break each week. The law stipulates that industrial workers receive overtime compensation for work in excess of 48 hours and that workers are entitled to 20 days of paid vacation after a year of employment.

The law protects foreign workers and does not discriminate against them. However, in order to receive official protection, the companies that employ foreign workers must report them as employees. Many workers--both native and foreign--work off the books and thus forfeit certain legal protection.

The Ministry of Labor and Social Security enforces legislation regulating health and safety conditions in a generally effective manner. However, some of the regulations cover urban industrial workers more adequately than rural and agricultural workers. Workers have the right to remove themselves from what they consider hazardous or dangerous conditions.

f. Trafficking in Persons

There are no laws specifically addressing trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

[End.]